

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHERRY VONAHNEN	:
6 Scalones Landing	:
Garnet Valley, PA 19060	:
Plaintiff	:
	:
v.	:
	:
ANA ZENDEJAS-MERITO	:
2615 Fire Road	:
Egg Harbor Township, NJ 08234	:
and	:
MELVIN SORTO-GALO	:
909 Falcon Drive	:
Absecon, NJ 08201	:
and	:
XYZ CORPORATION,	:
ABC PARTNERSHIP, JOHN DOE and	:
JANE DOE	:
Defendants	:

COMPLAINT

AND NOW, comes the plaintiff, Sherry VonAhnen, by and through her attorney, Thomas F. Sacchetta, Esquire, and respectfully represents as follows:

JURISDICTIONAL STATEMENT

1. This court has jurisdiction as the amount in controversy exceeds Seventy-five Thousand (\$75,000.00) Dollars, exclusive of interest and costs, and the plaintiff is of diverse citizenship. Plaintiff, Sherry VonAhnen, is a citizen of the Commonwealth of Pennsylvania, defendants, Ana Zendejas-Meritos and Melvin Sorto-Galo, are citizens of the State of New Jersey. The subject accident, out of which this claim arises, occurred in New Jersey.

PARTIES

2. Plaintiff, Sherry VonAhnen, is an adult individual residing at 6 Scalones Landing,

Garnet Valley, Pennsylvania 19060 and is a citizen of the Commonwealth of Pennsylvania.

3. Defendant, Ana Zendejas-Meritos, is an adult individual residing at 2615 Fire Road, Egg Harbor Township, New Jersey 08234 and is a citizen of the State of New Jersey.

4. Defendant, Melvin Sorto-Galo, is an adult individual residing at 909 Falcon Drive, Absecon, New Jersey 08201 and is a citizen of the State of New Jersey.

VENUE

5. The facts and occurrences herein stated took place on or about September 12, 2015 in Egg Harbor Township, New Jersey, thus making the U.S. District Court for the District of New Jersey the proper venue.

BACKGROUND

6. At the aforesaid time and place, plaintiff, Sherry VonAhnen, was a passenger in a vehicle that was stopped on Delilah Road in Egg Harbor Township, New Jersey.

7. Defendant, Ana Zendejas-Merito, was operating a vehicle owned by defendant, Melvin Sorto-Galo, on Delilah Road when she failed to stop for traffic striking the rear of plaintiff's vehicle. The vehicle caused plaintiff's vehicle to collide with another vehicle.

8. Defendant, Ana Zendejas-Merito, was inattentive, careless and failed to make proper observations, which negligence caused a collision between her automobile and plaintiff's automobile.

9. Defendant, Melvin Sorto-Galo, was negligent in entrusting or by and through his agents, servants, workmen and employees allowed to be entrusted, his vehicle to defendant, Ana Zendejas-Meritos, after he knew or should have known that she was not competent to drive such vehicle.

10. The aforesaid accident was caused by the negligence and recklessness of defendants and was in no way caused by plaintiff.

COUNT I - NEGLIGENCE

Plaintiff, Sherry VonAhnen v. Defendant, Ana Zendejas-Meritos

11. Plaintiff hereby incorporates all preceding paragraphs and counts by reference as though fully set forth herein at length.

12. The negligence, recklessness and carelessness of the defendant consisted of:

- a. operating the vehicle inappropriately;
- b. failing to have the vehicle under proper and adequate control;
- c. failing to observe the plaintiff's vehicle on the roadway;
- d. failing to operate the vehicle in accordance with existing traffic conditions and traffic controls;
- e. failing to keep a reasonable lookout for other vehicles lawfully on the road;
- f. operating the vehicle in a manner not consistent with the road conditions prevailing at the time; and
- g. failing to have the vehicle under proper and adequate control and failing to keep the vehicle in the proper lane of travel.

13. As a result of such collision, plaintiff, Sherry VonAhnen, was thrown about violently and suffered severe and painful injuries, including, but not limited to, cervical radiculopathy and spinal injuries which injuries necessitated her obtaining medical treatment, caused her great pain and suffering, incapacitated her from pursuing her usual employment and

other activities, and left her with permanent disabilities that will, in the future, similarly incapacitated him, caused her pain and suffering, and require medical treatment.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of Seventy-five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

COUNT II - NEGLIGENT ENTRUSTMENT

Plaintiff, Sherry VonAhnen v. Defendant, Melvin Sorto-Galo

14. Plaintiff hereby incorporates all preceding paragraphs and counts by reference as though fully set forth herein at length.

15. Defendant, Melvin Sorto-Galo, was negligent, careless and reckless in the following regards:

(a) He entrusted, or by and through his agents, servants, workmen and employees allowed to be entrusted, his vehicle to defendant, Ana Zendejas-Meritos, after he knew or should have known that she was not competent to drive such vehicle; and

(b) He allowed defendant, Ana Zendejas-Meritos, to operate his vehicle, which vehicle was operated in a careless, reckless and/or negligent fashion as stated herein.

WHEREFORE, plaintiff demands judgment against defendant in an amount in excess of Seventy-five Thousand (\$75,000.00) Dollars, exclusive of interest and costs.

SACCHETTA & BALDINO

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